



NOISE ORDINANCE REVIEW COMMITTEE (NORC)

WEDNESDAY, JUNE 16, 2004
6:00-8:00 P. M.

VILLAGE HALL
BUILDING, ZONING, AND PLANNING DEPARTMENT
CONFERENCE ROOM # 250

1. Attendance
2. Approval of Minutes: June 2, 2004
3. Review of Work Schedule - Council Public Hearings
4. Approval of the False Burglar Alarm Ordinance
5. Reconsideration of the following sections:
 - Sec 17-3(c) Radios, Televisions, Phonographs, Musical Instruments
 - Sec 17-3(h) Loudspeaker or Sound Amplifier
(staff suggestion to merge these two sections)

New section or amendment of an existing section dealing with setup and take down for parties

 - Sec. 17-3(e) Exhausts - discussion regarding idling vehicles
 - Sec 17-3(f) Construction
 - Sec 17-3(i) Loading and Unloading
 - Sec. 17-4 Special Event Permits

New Section or amendment of an existing section regarding using decibels as a test for the issuance of a violation
6. News Articles
 - a. Miami Herald May 20, 2004 and June 2, 2004 articles
 - b. New York Times article regarding new noise regulations in New York City
7. Public comment
8. Next Meeting Date
9. Adjournment




DT: June 9, 2004

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2, 2003	Committee reviews schedule and approves methodology Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13, 2003	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion). Review of Key Biscayne Noise Ordinance Committee initiates review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Sept 17, 2003	Committee completes review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director. Key Biscayne Noise Committee: Review of complaints and violations Review of Key Biscayne Noise Ordinance Sec 17-3 <div style="display: flex; justify-content: space-between;"> <div> <p>(a) Excessive noise</p> <p>(b) Horns, signaling devices, etc.</p> <p>(d) Animals, birds, etc.</p> <p>(e) Exhausts</p> </div> <div> <p>(f)</p> <p>(g) Firearms and explosives</p> <p>(p) Power tools and landscaping equipment</p> </div> </div>
4.	Oct 15, 2003	Review of Key Biscayne Noise Ordinance Sec 17-3 <div style="display: flex; justify-content: space-between;"> <div> <p>(k) Defect in Motor Vehicle or Motorboat</p> <p>(l) Hawkers/peddlers</p> <p>(m) Schools, courts, hospitals, places of religious worship</p> <p>Section 17-4 Permits for Special Events</p> <p>Section 17-5 Exemptions</p> <p>Review of complaints and violations</p> </div> <div> <p>(n) Aircraft</p> <p>(o) Open air concerts, musical broadcasts, etc.</p> <p>q) Leaf blowers</p> <p>Section 17-7 Penalties</p> <p>Section 17-6 Enforcement</p> </div> </div>

	5.	Nov 19, 2003	Section 17-3 (c) Radios, Televisions, Photographs, Musical Instruments, etc. (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification Review of Section 17-4 Permits for Special Events	Burglar Alarms - New Section
	6.	Dec 17, 2003	Review of Section 17-4 Permits for Special Events	
7.	Jan 21, 2004	Review of Sec. 17-6 Enforcement, Sec. 17-3(c) noise -private clubs and hotels, Review Enforcement, Penalties		
8.	Feb 18, 2004	Review of Section 17-3(3) noise from private clubs and hotels Review of New Section 17-8 Burglar Alarms		
9.	Mar 17, 2004	Review of Section 17-3(3) noise from private clubs and hotels Review of New Section 17-8 Burglar Alarms		
10.	April 14, 2003	Section 17-3 - reconsideration of previously approved sections Section 17-3(p) & (q) relating to Leaf Blowers Section 17-3(c) Radios, televisions, phonographs, musical instruments, parties Section 17-3(f) Construction		
11.	May 19, 2004	Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the hearing, changes are made, and the ordinance is forwarded to the Village Council.		
12.	June, 1, 2004	Committee reviews the Noise and Burglar Alarm ordinances based on comments at the May 19 public hearing		
13.	June 16, 2004	Committee reconsiders sections dealing with noise from idling vehicles, decibels as the main test, and special event permits, construction, parties, penalties, loading/unloading. Consider vote to approve ordinance as amended at the meeting.		
14.	July 22 - Sept 7	Council holds two public hearings.		

Noise Ordinance Review Committee
 Meeting Notes from June 2, 2004
 By: Clinton Archambault
 Co-Secretary

I. Meeting called to order by Chair: Serge Barder

- A. Appointed members in attendance.
Bill Pickell Ramon Rodriguez
Jose Penichet Clinton Archambault
Michael Carsch Ana Brennan
Luis Arrondo
- B. Members Absent: Serge Barder
- C. Also in Attendance:
Jud Kurlancheek, Dir. Of B.P.Z.
Alex Palenzuela-Mauri, Village Attorney
Lt. Nick Ismailoff, Village Police

II. Old Business.

- A. Review and discussion of Minutes from Meeting of May 19, 2004
 - 1. Motion to approve minutes, voted on and approved.
- B. Next meeting scheduled for June 16, 2004 @ 6:00 PM until Business is finished.

III. Jud Kurlancheek Presented Noise Ordinances from other Communities:

- A. Discussion regarding other communities' use of Decibel meters to enforce their ordinances.

IV. Motion made by Anna Brennan to create Residential and Commercial Ordinances.

- A. Motion withdrawn and discussion followed. Wide ranging discussion of Pros and Cons of having 2 different Ordinances. Confusion of Police in Enforcing.

V. Public Comment.

- A. Public comment made to Committee during Discussion:
 - 1. Camille Goofing stated that 100 Ft. limit of noise was adequate when she worked on original Noise Ordinance. Brought up that Police Force should not be solely responsible for enforcement. She also stated that leaf Blowers should not be allowed before 8:00 AM or after 5:00 PM.
 - 2. Jackie Tommasino expressed her frustration that The Sands Condominium has been making considerable Noise with their construction project. Voiced complaint that it has taken too long and wanted an answer as to when it will be completed.

VI. Extensive Discussion regarding Enforcement of Current Ordinance.

- A. Archambault stated that current Ordinance is adequate if enforced.

- B. Discussion regarding current penalties of Noise Ordinance and strengthening penalties.
- C. Archambault moved to instruct village Attorney to create language in regards to penalizing recurring infractions to \$500.00 penalty and to make first offense mandatory penalty.

VII. Discussion Regarding Commercial Landscaping, #17-3 “P”

- A. Motion to amend #17-3 “P” to change current time from 7:00 AM to 8:00 AM and end time from 6:30 to 6:00 PM.
- B. Motion passed unanimously.

VIII. Invited Guest Regarding Leaf Blowers:

- A. Production is Commercial Gardeners primary interest.
- B. Guest stated that banning Leaf Blowers would have impact on storm Drains.

IX. Topics for Next Meeting:

- A. 3B, 3C, & 3F.
- B. Reconsider time periods for: Loading & Unloading, Setting up & Breaking down of parties, and Construction commencement.



VILLAGE OF KEY BISCAYNE
NOTICE OF PUBLIC MEETING REGARDING THE
NOISE ORDINANCE REVIEW COMMITTEE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NOISE ORDINANCE REVIEW COMMITTEE WILL HOLD A PUBLIC MEETING ON JUNE 16, 2004, 6:00 P.M., IN THE VILLAGE HALL, BUILDING, ZONING, AND PLANNING DEPARTMENT CONFERENCE ROOM #250, 88 W. MCINTYRE STREET KEY BISCAYNE, FL 33149. THE PURPOSE OF THE PUBLIC MEETING IS TO REVIEW, DISCUSS AND MAKE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE NOISE ORDINANCE. INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD OR SUBMIT WRITTEN COMMENTS TO THE BUILDING, ZONING, AND PLANNING DIRECTOR TO THE BUILDING, ZONING, AND PLANNING DIRECTOR AT 88 W. MCINTYRE STREET, KEY BISCAYNE, FL 33149. IF YOU HAVE ANY QUESTIONS WITH RESPECT TO THIS MATTER PLEASE CALL 305 365 8908.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.SEC. 286.0105).

COMMENTS OF ANY INTERESTED PARTY RELATIVE TO THIS MATTER MAY BE SUBMITTED IN WRITING AND OR PRESENTED IN PERSON AT THE PUBLIC MEETING.

NOTICE IS HEREBY GIVEN THAT ONE OR MORE MEMBERS OF THE VILLAGE COUNCIL OR VILLAGE COMMITTEE MAY BE ATTENDING THIS MEETING.

Posted in the Village Hall June 9, 2004